

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES  
LITIGATION

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This Document Relates to:

MARK NEWBY, et al., Individually and On  
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

ENRON CORP., ET AL.,

Defendants.

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THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, et al., Individually and  
On Behalf of All Others Similarly Situated,

Plaintiffs,

VS.

KENNETH L. LAY, et al.,

Defendants.

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PAMELA M. TITLE, et al.,

Plaintiffs,

VS.

ENRON CORP., et al.,

Defendants.

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OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF ENRON CORP.,

Plaintiffs,

VS.

ANDREW S. FASTOW, MICHAEL J.

MDL-1446

CIVIL ACTION NO. H-01-3624  
CONSOLIDATED CASES

CLASS ACTION

CIVIL ACTION NO. H-01-3913

CIVIL ACTION NO. H-04-0091

KOPPER, BEN GLISAN, JR., RICHARD  
B. BUY, RICHARD A. CAUSEY,  
JEFFREY K. SKILLING, KENNETH L.  
LAY, JEFFREY MCMAHON, JAMES V.  
DERRICK,, JR., KRISTINA M.  
MORDAUNT, KATHY LYNN, ANNE  
YUAEGER-PATEL, ARTHUR ANDERSEN,  
LLP, and CARL FASTOW, AS  
ADMINISTRATOR OF THE FASTOW  
FAMILY FOUNDATION,

Defendants.

ELAINE L. CHAO, SECRETARY OF THE  
UNITED STATES DEPARTMENT OF  
LABOR,

Plaintiff,

VS.

ENRON CORP., ET AL.,

Defendants.

CIVIL ACTION NO. H-03-2257  
(Consolidated with H-01-3913)

**ORDER AMENDING JULY 11, 2003 SCHEDULING ORDER**

The Court has considered Certain Plaintiffs' Motion Concerning Stay in Consolidated and Co-ordinated Actions (*Newby* Instrument No. 4568) and the Financial Institutions' Motion to Amend July 11, 2003 Scheduling Order (*Newby* Instrument Nos. 4593 and 4597). It is hereby

**ORDERED** that Certain Plaintiffs' Motion Concerning Stay in Consolidated and Co-ordinated Actions is **DENIED**; it is further

**ORDERED** that the Financial Institutions' Motion to Amend July 11, 2003 Scheduling Order is **GRANTED**; and it is

**FURTHER ORDERED** that Sections 1.C. and D. of the July 11, 2003 Scheduling Order are amended as follows:

"C. Once the Court has ruled on the class certification motions,  
Plaintiffs in each remaining consolidated/related/coordinated suit

shall within two weeks of the entry of the relevant class certification order file a statement indicating that Plaintiffs either (1) will elect whether to proceed under the consolidated amended complaint in *Newby* or *Tittle*, or both if appropriate, and dismiss their initial petitions/complaints or (2) will (i) proceed under their own petitions/complaints, (ii) file an amended complaint (to the extent Plaintiffs are entitled to amend as a matter of right under the Federal Rules of Civil Procedure), or (iii) request leave to amend their own pleadings. Plaintiffs electing either to file an amended complaint or to move for leave to file an amended complaint have within 30 days after filing their statement to file such amended complaint or motion for leave to amend.”

“D. If Plaintiffs opt to proceed under Section 1C(2)(i), then Defendants shall file any motions to dismiss, responsive pleadings, or amended responsive pleadings in those cases proceeding under currently operative petitions/complaints 30 days after the filing of Plaintiffs’ statement. If Plaintiffs opt to proceed under Sections 1.C.(2)(ii) or (iii), then Defendants shall file any motions to dismiss, responsive pleadings, or amended responsive pleadings within 30 days of either the filing of such an amended complaint or, in the event Plaintiffs’ motion for leave to amend is denied, the filing of this Court’s order denying Plaintiffs’ motion for leave. The stay on the filing of Defendants’ motions to dismiss, responsive pleadings, or amended responsive pleadings will remain in effect during the two-week period that Plaintiffs have to file their statement as described in Section 1.C., and it will remain in effect until Plaintiffs file an amended complaint, or until after the filing of this court’s

order denying Plaintiffs' motion for leave to amend. Plaintiffs' oppositions shall be filed within 30 days of the filing of motions to dismiss, and Defendants' replies shall be filed within 15 days thereafter."

Signed at Houston, Texas this 11<sup>th</sup> day of July, 2006.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON  
UNITED STATES DISTRICT JUDGE